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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 04/21/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

# Office Action Summary

Application No.

10/035,742

Applicant(s)

MILBY, GREGORY H.

Examiner

Cheryl Lewis

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-40 are presented for examination.

### INFORMATION DISCLOSURE STATEMENT

2. The information disclosure statements filed on January 7, 2003, paper no. 6, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

### DRAWINGS

3. The applicant's drawings filed on April 8, 2002, paper no. 4 have been approved by the drafts person.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

Art Unit: 2177

2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1, 3, 5, 7, 9, 11, 15-17, 20, 22, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Sit (Pat. No. 5,940,835 filed November 4, 1997).
6. Regarding Claims 1, 5, 9, 17, 20, 22, and 30, Asami teaches a method for querying a database in which a query statement is issued to a database management system for which data types can be defined.

The method and associated system for querying a database in which a query statement is issued to a database management system for which data types can be defined as taught or suggested by Asami includes:

receiving a query for data (Abstract, lines 2-14, col. 5, lines 15-18, 'The database management system 200 receives query statements containing a method for a user-defined type and retrieves data and database information (information about tables and rows from tables) as the results of the query...') in the database system (Abstract, lines 1 and 2, figure 1, element 200 'DBMS'); determining if one or more resources are accessed in response to the query (col. 4, lines 49-61, col. 5, lines 25-55); storing data (figure 2, element 301) according to a user-defined data type in the database system (col. 4, lines 64-67, 'A database management system 200 can handle user-defined types.');

at least one of a user-defined data type attribute (figure 12, element 1210 "Newspaper Articles") and a user-defined data type method (col. 5, lines 11-14, 'These functions of the user-defined types can be called by the query language as methods...').

However, Asami does not track an amount of usage of the accessed one or more resources and storing an indication of the tracked amount of usage.

Sit teaches tracking an amount of usage (col. 5, lines 55-67, col. 6, lines 1-18, '...the universal tracking system may include more than five digits per position or field...the use of six digits per field, resulting in a tracking number of eighteen digits...', col. 6, lines 44-51, '...generate tracking values, for the tracking identifiers, in accordance with a pre-defined tracking scheme...') of the accessed one or more resources (figure 1, col. 6, lines 19-60, '...the query processing block 140 receives tracking requests from the user interface translator 120, and extracts information from the database 110 based on the tracking request...') and storing an indication (col. 6, lines 61-67, col. 7, lines 1-16) of the tracked amount of usage (col.13, lines 8-18 col. 15, lines 19-32, col. 16, lines 33-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the data fields of Asami's method with the data fields of Sit's method because Sit's method could provide specific field identifiers for the data fields of Asami's method, wherein the (specific) field identifiers are assigned tracking identifiers, the tracking identifiers track and define a data object that is related to data objects of one or more fields, and track and define data objects related to data objects involving an event and time of an event of one or more fields (col. 2, lines 1-35).

7. Regarding Claims 3 and 7, Asami teaches determining if at least one of a user-defined data type is accessed (col. 4, lines 64-67, col. 5, lines 1-25).

Art Unit: 2177

8. Regarding Claims 11 and 29, Asami teaches a flag to indicate the user-defined data type (col. 8, lines 57-62).

Sit teaches the tracking usage data means (col. 5, lines 55-67, col. 6, lines 1-18).

9. Regarding Claim 15, Asami teaches storing data (figure 3, element 301) according to second user-defined data type (col. 4, lines 64-67, col. 5, lines 1-18 and 24-55); and storing a second flag (col. 8, lines 57-62) associated with the second user-defined data type in the table (col. 5, lines 1-18).

10. Regarding Claim 16, Sit teaches a first value (column 13, lines 8-18, col.15, lines 19-32, col. 16, lines 33-67) and a second value (column 13, lines 8-18, col.15, lines 19-32, col. 16, lines 33-67) indicating tracking of usage of data.

11. Claims 2, 6, 10, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Sit (Pat. No. 5,940,835 filed November 4, 1997) as applied to claims 1, 5, 9, and 22 above, and further in view of Gatto (Pat. No. 6,510,419 B1 filed April 23, 1999).

12. Regarding Claims 2, 6, 10, and 23, Asami and Sit do not expressly teach calculating a royalty.

Gatto teaches calculating a royalty (Abstract, lines 1-18, '...analyst earnings estimates...precalculated data values...analysts based upon their historial earnings estimates as compared to actual earnings estimates over time, and other user-defined performance...', col. 18, lines 42-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the database methods of Asami and Sit with the tracking database method of Gatto because Gatto's tracking database method provides a graphical user interface for the visualization and calculation of historical earning estimates as compared to actual earning estimates over time to better predict future earnings, based on a user-defined performance analysis set of parameters (col. 2, lines 38-67).

13. Claims 4, 8, 14, 18, 19, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Sit (Pat. No. 5,940,835 filed November 4, 1997) as applied to claims 1, 5, 9, and 22 above, and further in view of BenHadda et al. (Pat. No. 6,366,904 B1 filed November 25, 1998, hereinafter BenHadda).

14. Regarding Claims 4, 8, 14, 18, 19, 26, and 27, Asami and Sit do not expressly teach a data dictionary and tables in the dictionary.

BenHadda teaches a data dictionary (figure 2, element 27, col. 5, lines 1-15) and tables (figure 2, element 26, col. 5, lines 1-15) in the dictionary (figure 2, element 27, col. 5, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the databases of Asami and Sit with the database method of BenHadda because BenHadda's database method could provide the databases of Asami and Sit with an relational operation, wherein the relational operation organizes and defines the relation between rows of a table, the database tables

containing more information about the variables of the tables, the variables representing attribute values of data within columns of tables (col. 5, lines 1-32).

15. Claims 12, 13, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Sit (Pat. No. 5,940,835 filed November 4, 1997) as applied to claims 9 and 22 above, and further in view of Kosciuszko et al. (Pat. No. 6,560,593 B1 filed July 20, 1999, hereinafter Kosciuszko).

16. Regarding Claims 12, 13, and 28, Asami teaches an attribute (figure 12, element 1210 "Newspaper Articles") according to a user-defined data type (figure 4, elements 510-515).

However, Asami and Sit do not expressly teach creating a table.

Kosciuszko teaches creating a table comprising a Structured Query Language (col. 3, lines 11-17 and 41-48, col. 6, lines 63-67, col. 7, lines 47-64) CREATE TABLE statement (col. 6, line 22-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the query databases of Asami and Sit with the query database method of Kosciuszko because Kosciuszko's method could provide the query databases of Asami and Sit with an optimization plan, wherein the optimization plan consist of SQL statements that determine how effectively SQL statements are executed on a database and provides an ability to view the effects of changes, modification of an index, dropping an index, and/or adding a new index to the database tables of the optimization plan (col. 2, lines 25-64).



17. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Sit (Pat. No. 5,940,835 filed November 4, 1997) as applied to claim 9 above, and further in view of Gilmour (Pat. No. 6,647,384 B2 filed June 26, 2001).

18. Regarding Claim 21, Asami and Sit do not expressly teach an authorization code to determine access (Abstract, lines 1-9).

Gilmour teaches an authorization code to determine access (Abstract, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the query methods of Asami and Sit with the query method of Gilmour because Gilmour's query method provides authorization requests, wherein an access request from a first user to access a profile of another user is detected by a detector, the detector sends access request information of the first user to the other user to verify the authorized request of the first user who is seeking to access user profile information of the other user (col. 2, lines 24-41).

19. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Sit (Pat. No. 5,940,835 filed November 4, 1997) as applied to claim 22 above, and further in view of Sevitsky et al. (Pat. No. 6,557,011 B1 filed October 31, 2000, hereinafter Sevitsky).

20. Regarding Claims 24 and 25, Asami and Sit do not expressly teach the database system to further increment a count.

Art Unit: 2177

Sevitsky teaches the database system to further increment a count (col. 14, lines 14-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the user-defined methods of Asami and Sit with the user-defined method of Sevitsky because Sevitsky's method enables a user to define and specify a query criteria, wherein the query criteria comprises attributes of related entities, and a user-defined classification traces the classification and execution of those attributes in the database system (col. 3, 15-45).

21. Claims 31, 32, 36-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Kosciuszko et al. (Pat. No. 6,560,593 B1 filed July 20, 1999, hereinafter Kosciuszko).

22. Regarding Claim 31, Asami teaches a storage subsystem (figure 1, element 200, col. 5, lines 14-18) to store a table (col. 1, lines 55-61, col. 5, lines 14-18, col. 6, lines 20-25); and a controller (col. 5, lines 19-22, figure 1, element 201); an attribute (figure 12, element 1210 "Newspaper Articles") according to a user-defined data type (col. 4, lines 64-67); and an update an indication (col. 4, lines 48-61) representing usage of the user-defined data type (col. 4, lines 64-67).

Asami does not expressly teach creating a table.

Kosciuszko teaches creating a table (col. 6, lines 22-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the query database method of Asami with the query

database method of Kosciuszko because Kosciuszko's query database method could provide the query database of Asami with an optimization plan, wherein the optimization plan consist of SQL statements that determine how effectively SQL statements are executed on a database and provides an ability to view the effects of changes, modification of an index, dropping an index, and/or adding a new index to the database tables of the optimization plan (col. 2, lines 25-64).

23. Regarding Claims 32 and 36, Asami teaches attributes (figure 12, element 1210 "Newspaper Articles") according to user-defined data type (col. 4, lines 64-67) and updating means (col. 4, lines 48-61).

Kosciuszko teaches creating a second table (col. 6, lines 22-48).

24. Regarding Claim 37, Asami teaches plural access modules (col. 1, line 67, col. 2, lines 1-2 and 16-19).

25. Regarding Claims 38 and 40, Asami teaches the controller (col. 5, lines 19-22, figure 1, element 201) of the user-defined function (col. 5, lines 11-14, 'These functions of the user-defined types can be called by the query language as methods...').

26. Claims 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Kosciuszko et al. (Pat. No. 6,560,593 B1 filed July 20, 1999, hereinafter Kosciuszko) as applied to claim 31 above, and further in view of Sevitsky et al. (Pat. No. 6,557,011 B1 filed October 31, 2000, hereinafter Sevitsky).

27. Regarding Claims 33 and 39, Asami and Kosciuszko do not expressly teach the database system to further increment a count.

Sevitsky teaches the database system to further increment a count (col. 14, lines 14-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the methods of Asami and Kosciuszko with the user-defined method of Sevitsky because Sevitsky's method enables a user to define and specify a query criteria, wherein the query criteria comprises attributes of related entities, and a user-defined classification traces the classification and execution of those attributes in the database system (col. 3, 15-45).

28. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al. (Pat. No. 6,434,554 B1 filed September 9, 1999, hereinafter Asami) and Kosciuszko et al. (Pat. No. 6,560,593 B1 filed July 20, 1999, hereinafter Kosciuszko) as applied to claim 31 above, and further in view of BenHadda et al. (Pat. No. 6,366,904 B1 filed November 25, 1998, hereinafter BenHadda).

29. Regarding Claims 34 and 35, Asami and Kosciuszko do not expressly teach a data dictionary.

BenHadda teaches a data dictionary (figure 2, element 27, col. 5, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the query databases of Asami and Kosciuszko with the query database method of BenHadda because BenHadda's query database method could enable the databases of Asami and Kosciuszko to comprise a data dictionary, the data dictionary comprises tables containing more information about the variables of the

Art Unit: 2177

tables, the variables representing attribute values of data within columns of tables (col. 5, lines 1-32).

### **CONCLUSION**

30. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A. Dessloch et al. (U.S. Pat. No. 6,338,056 B1) discloses a relational database extender that supports user-defined index types and user-defined search; and

B. Klein et al. (U.S. Pat. No. 6,209,000 B1) discloses tracking storage for data items.

### **NAME OF CONTACT**

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Art Unit: 2177

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Cheryl Lewis  
Patent Examiner  
April 15, 2004



JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
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